03

1520

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

Civil Revision No. 192 **/2003** Single Bench

PETITIONER : Ramphal, aged about 35 years
APPLICANT S/o. Nandkusia,

R/o.Vill. Tihladih, P.S. Takhatpur
Distt. Bilaspur (C.G.)

P. R. No. 1290/03
Presented by Shri Rakesh Sahu
dated 16-06-2003,

VERSUS

RESPONDENTS :1 Sukhiram, S/o. Bhanjan Singh
NON-APPLICANTS Occupation-Driver,
R/o. Kharripara, Tahsil Mungeli,
District Bilaspur (C.G.)

OWNER 2. Smt. Harjeet Kaur,
W/o. Swarn Singh,
Through Swarn Singh S/o Khel Singh
R/o. Daupara,Mungeli
District Bilaspur (C.G.)

10.6.03

R
S

3. The New India Insurance Co. Ltd.
Bilaspur (C.G.)

PETITION UNDER SECTION 115 OF THE CODE OF CIVIL PROCEDURE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक C.R. NO. 192 सन् 2003

(23)

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	18.9.2003 Shri Gautam Khetrapal, counsel for the applicant. Shri Anand Gupta, counsel for non-applicant no.3. Heard. Applicant filed a claim in which award has been passed for Rs.1,85,010/- and an amount of Rs.1,15,010/- was directed to be deposited for a period of 10 years. It is stated that after depositing the amount, petitioner filed an application for withdrawal of the said amount on the ground that the amount is required to purchase a land and to construct a house on the said land and in the present accommodation there are only two rooms and his family is residing in one room and in another room, he is running Kirana Business for their livelihood. Counsel for the applicant refers to para 3 of the revision petition and submits that the applicant has entered into an agreement with one Narayana for purchasing the land for Rs.50,000/- and after	

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

(24)

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

purchasing the land he is going to construct a house on the said land. The petition is supported by the affidavit.

Shri Anand Gupta, counsel for the respondent submits that he has no objection.

Reliance has been placed on a decision of the High Court of Madhya Pradesh reported in 2000 (2) JLJ 414 (Magnibai –Vs- Suresh) where it has been held *that in disbursement of compensation, there cannot be a hard and fast rule applicable to all cases. Some claimants may be needy and some may not be needy. Some claimants may be having urgent needs and if the amount which has been awarded to them as compensation is not released for using it at the time of difficult situation, there would be nothing else but hardship to such hapless claimants. The MACT has to act with a broader approach and has to inform itself about the realities of the life and difficulties of the poor villagers and poor persons. The court has made it clear in previous judgments also that the justice is to be administered in proper spirit and for the purpose of*

[पीछे देखिये

याचिकाकर्ता/आवेदक

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

giving solace to the litigants. A computerized mechanical emotionless order would not carry the flag ahead which benevolent spirit of the enactment has indicated. The optimum utilization has to be always obtained by informing one self with bitter realities of the life. Such hapless claimants should not be permitted to see the dreams of increasing interest in the Bank accounts with fire of hunger in the stomach.

Having heard and considering the facts and circumstances of the case and material on record it is directed that an amount of Rs.60,000/-be allowed to be withdrawn and the tribunal may disburse the amount by an Account Payee Cheque/crossed Demand Draft drawn in favour of the applicant with a stipulation that after 3 months he shall file the documents/affidavit regarding proper utilization of the amount.

With the aforesaid direction, this revision is disposed.

Accordingly, I.A.5580 of 2003 stands disposed of.

C.C. as per rules.

Sd/-
Fakhruddin
Judge

[पीछे देखिये

/Rao/